

***IN THE DISTRICT COURT OF THE UNITED STATES***

***for the Western District of New York***

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**NOVEMBER 2017 GRAND JURY  
(Impaneled 11/03/2017)**

**THE UNITED STATES OF AMERICA**

**INDICTMENT**

**-vs-**

**MARK BIENIEK**

**Violations:**

Title 18, United States Code,  
Sections 875(c) and 2261A(2)  
(2 Counts)

**COUNT 1  
(Cyberstalking)**

**The Grand Jury Charges That:**

Between on or about January 25, 2018, and on or about February 19, 2018, in the Western District of New York, and elsewhere, the defendant, **MARK BIENIEK**, with the intent to kill, injure, harass, and intimidate another person, that is, Victim 1, a person known to the Grand Jury, and in violation of a protection order as defined in Title 18, United States Code, Section 2266, did use an interactive computer service, an electronic communication service, an electronic communication system of interstate commerce, and a facility of interstate and foreign commerce, to engage in a course of conduct that placed Victim 1 in reasonable fear of the death of, and serious bodily injury to, Victim 1 and Victim 2, a person known to the Grand Jury, an intimate partner of Victim 1; and that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to Victim 1.

**All in violation of Title 18, United States Code, Sections 2261A(2)(A), 2261A(2)(B), 2261(b)(5), and 2261(b)(6).**

**COUNT 2**  
**(Interstate Communications of Threats to Injure)**

**The Grand Jury Further Charges That:**

Between on or about January 25, 2018, and on or about February 19, 2018, in the Western District of New York, and elsewhere, the defendant, **MARK BIENIEK**, did knowingly and willfully transmit in interstate and foreign commerce, from the State of Texas to the State of New York, communications to Victim 1, a person known to the Grand Jury, and the communications contained threats to injure Victim 1 and Victim 2, a person known to the Grand Jury.

**All in violation of Title 18, United States Code, Section 875(c).**

DATED: Buffalo, New York, March 14, 2018.

JAMES P. KENNEDY, JR.  
United States Attorney

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A TRUE BILL:

S/FOREPERSON